

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

DAVID EARL JOHNSON,)
)
Plaintiff,)
)
vs.) 3:04-cv-03021-SLB
)
JUDGE JACKIE HATCHER, et al.,)
)
Defendants.)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on December 15, 2005, recommending that this action be dismissed for failing to state a claim upon which relief can be granted and for seeking monetary damages against a defendant who is immune from such relief, pursuant to 28 U.S.C. § 1915A(e)(2)(B)(ii) and (iii). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted and for seeking monetary damages against a defendant who is immune from such relief, pursuant to 28 U.S.C. § 1915A(e)(2)(B)(ii) and (iii). A Final Judgment will be entered.

DATED, this 10th day of February, 2006.



SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE